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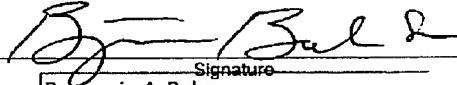
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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)												
		A-7274 (191920-1040)												
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td style="width: 50%;">Filed</td> </tr> <tr> <td style="text-align: center;">10/015,351</td> <td style="text-align: center;">December 11, 2001</td> </tr> <tr> <td colspan="2" style="text-align: center;">First Named Inventor</td> </tr> <tr> <td colspan="2" style="text-align: center;">Pinder, et al</td> </tr> <tr> <td style="text-align: center;">Art Unit</td> <td style="text-align: center;">Examiner</td> </tr> <tr> <td style="text-align: center;">2132</td> <td style="text-align: center;">Nobahar, Abduhakim</td> </tr> </table>	Application Number	Filed	10/015,351	December 11, 2001	First Named Inventor		Pinder, et al		Art Unit	Examiner	2132	Nobahar, Abduhakim
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2132	Nobahar, Abduhakim													
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>														
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number: _____</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34: 58,169</p>		<p> Signature _____</p> <p>Benjamin A. Balser Typed or printed name _____</p> <p>(770) 933-9500 Telephone number _____</p> <p>7/31/06 Date _____</p>												
<p>NOTE: Signatures of all the Inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>														
<p><input type="checkbox"/> *Total of 1 forms are submitted.</p>														

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
Pinder, et al.)
Serial No.: 10/015,351) Group Art Unit: 2132
Filed: December 11, 2001) Examiner: Nobahar, Abdulhakim
For: **Encrypting Received Content**) Docket No.: A-7274 (191920-1040)
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REMARKS IN SUPPORT OF
PRE-APPEAL BRIEF CONFERENCE

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants submit the following remarks in support of a Request for a Pre-Appeal Brief Conference.

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Serial No.: 10/015,351

Art Unit: 2132

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REMARKS

I. Rejection of Claims 1-124

Claims 1-124 stand rejected under 35 U.S.C. 102(b) as being unpatentable over *Pinder, et al.* (U.S. Patent No. 6,105,134). Applicant traverses this rejection and respectfully submits that the rejection of record is clearly not proper.

Specifically, Applicant submits that the following clear legal deficiency exists in the rejection. Applicant respectfully submits that a representative claimed element, specifically among others, "receiving from a headend of the subscriber network a first ciphertext packet at the receiver and applying to the first ciphertext packet a first cryptographic algorithm to convert the first ciphertext packet to a second ciphertext packet" from claim 1, is not taught by the references of record. The Advisory Action alleges that *Pinder* (6,105,134) "discloses a key generation component and a head end which may receive already encrypted programming instances (see col. 7, lines 42-47)." See *Advisory Action*, page 2. The Advisory Action further alleges that "[t]he head end encrypts the programming instances in a multi-stage operation (3 DES operation) before sending the content via a transmission medium to a remote receiver." See *Advisory Action*, page 2. The Advisory Action takes these two statements together to disclose receiving an encrypted instance and applying an encryption algorithm to the encrypted instance.

Applicant challenges the Examiner's statement as clear error. Applicant respectfully submits that the *Pinder* (6,105,134) statement in col. 7 lines 42-47 is taken out of context. The *Pinder* (6,105,134) reference does not disclose the encryption of an already encrypted instance. The cited encryption function 306 of *Pinder* (6,105,134) is usually performed at the headend; however, the encryption may be performed upstream of the headend, in which case the headend receives an already encrypted service instance and passes it through without further encryption. Clearly, the intent of the cited section is to indicate where certain functions might be implemented. There is absolutely no indication that a head end receives an encrypted instance and applies a further layer of encryption to it.

Additionally, the Advisory Action alleges that *Pinder* (6,105,134) discloses "a service reception component (DHCT 333) that receives encrypted content and uses a multi-stage encryption technique (3DES) to decrypt (decryption is an equivalent encryption operation) the

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encrypted content (see Fig. 3).” *See Advisory Action*, page 2. However, decrypting an encrypted instance is not encrypting an encrypted instance. In fact, it is a diametrically opposite operation. Moreover, in the description of Fig. 3, *Pinder* (6,105,134) explicitly states that “since the control words in ECMs 323 and the contents of EMMs 315 have already been encrypted, no further encryption is needed when they are sent in the MPEG-2 transport stream. Therefore, *Pinder* (6,105,134) teaches away from encrypting already encrypted content.

Pinder (6,105,134) clearly fails to disclose the subject matter of the claims. Therefore, since all elements of the claims are not disclosed, taught, or suggested by the references of record, the rejection is improper and should be withdrawn.

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CONCLUSION

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-124 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Respectfully submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By:



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